



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAVID NEWSOME

DATE: May 19, 2003

SERIAL NO.: 09/634,054

GROUP ART UNIT: 3763

FILED: 08/08/2000

EXAMINER: Michael J. Hayes

FOR: "DILATION ENHANCER"

ATTORNEY DOCKET NO.: P00005US (53783.1P)

RULE 116 RESPONSE

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action dated 17 January 2003. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by 17 April 2003. Applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response for one month(s) from 17 April 2003 to 17 May 2003.

REMARKS

Claims 28, 29, and 34 were rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses this rejection.

Applicant respectfully submits that one of ordinary skill in the art would know the difference between a hard contact lens and a soft contact lens. It is respectfully submitted that claims 28, 29 and 34 are definite, even though for example the Shore A hardness of the lens material is not mentioned.

Claims 27-29 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of applicant's disclosure. Applicant respectfully traverses this rejection.

Just because applicant disclosed in his patent application as filed that light-activated power sources are commercially available does not mean that it would be obvious to make the apparatus as claimed in Claim 27. There is no suggestion anywhere (other than in the present patent application) that one should use a light-activated power source to provide electricity to a

device for performing electrophoresis. Applicant respectfully submits that the Examiner's rejection is based on impermissible hindsight reconstruction.

Applicant notes with appreciation that Claims 30, 35, and 36 are allowed.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 19, 2003

Seth M. Nehrbass

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